

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BARON LOMBARDO, et al., Defendants.	ORDER Case No. 2:07-CR-286 CW
--	--------------------------------------

This order reflects the court's instructions to the government on the record of the May 18, 2009 status conference in this matter regarding provision of certain evidence to the Defendants. Specifically, for statements of co-conspirators which the government intends to offer as evidence at trial, the court ORDERS as follows. With respect to statements in written documents, the government is instructed to provide the Defendants with summary exhibits, with the supporting documents attached in hard copy. For each summary exhibit, the government shall include a narrative explaining why it asserts each category of documents described in the exhibit is admissible under Rule 801(d)(2)(E) of the Federal Rules of Evidence. This narrative need not include each individual written statement. With respect to oral statements made by co-conspirators, the government shall provide to the Defendants a proffer containing each oral statement and an explanation as to why the government asserts the statement is admissible under Rule 801(d)(2)(E). Once the Defendants receive all of the government's exhibits and proffers, they shall be given a date by which their objections, if any, must be received.

The court recognizes the complicated and labor intensive nature of this task.

Accordingly, the court will not set a deadline for the government to provide these items at this time. The government has estimated that it will take about nine months to comply with this order. As that time approaches, the court will evaluate whether it will be necessary to set a firm deadline.

Moreover, the court notes that a status conference has been set in this matter on September 8, 2009. At that hearing, the court expects that the parties will inform the court on the status of their foreign discovery efforts and on the status of the government's compliance with this order, as well as provide any other pertinent updates.

SO ORDERED this 19th day of May, 2009.

BY THE COURT:



Clark Waddoups
United States District Judge